S.B.Cr.Misc. Bail App. No.4869/2007

(Bapu vs. State of Rajasthan)

Date of order : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Shambhoo Singh, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers. I have gone through the statement of the prosecutrix.

It is contended by learned counsel for the petitioner that the prosecutrix in her statement has stated that she lived with the petitioner as his wife and they went for working as labour together and she used to prepare the meals for the petitioner as of his wife and lived together for number of months and thereafter she became pregnant and having pregnancy of 4-5 months. The occurrence is of 8.1.2007 and the report was lodged on 1.7.2007 i.e. almost after seven months. According to the learned counsel, this shows that the parents of the prosecutrix were also well aware that the prosecutrix went with the petitioner on her own accord.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case and the fact that the occurrence is of 8.1.2007 and the matter was reported to the police on 1.7.2007 i.e. after about seven months and the prosecutrix stated that she lived with the petitioner as his wife, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Bapu s/o Kaliya Bhagora be released on bail in FIR No.136/2007, P.S. Anandpuri provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

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